

AMENDMENT OF THE DRAWINGS

In FIG. 2 kindly correct reference numeral 22 to read 32 and reference numeral 28 to read 38 as shown in the attached, marked up sheet of drawings. The corrections are shown in red on the sheet of drawings marked "Annotated Marked-Up Drawings" in the Appendix.

REMARKS

The Examining Attorney has rejected all claims currently pending in the above application based primarily upon the Huang reference, both alone and in view of the Shieh Reference. For the reasons stated below, each of the rejections are respectfully traversed.

Claims 1 - 2 and 5 - 10 are rejected as being anticipated by Huang. Huang discloses a collapsible Christmas tree having a truncated cone structure which is formed by a small top ring 25, a circular support 10 and a plurality of chords 30. As shown in FIG. 3 of the Huang Patent, the truncated cone structure is fully formed and mechanically stable prior to the application of a light set. Thereafter, "a piece of netted Christmas Lights 50 connected by wires 51 (as shown in FIG. 9) covers on the chords 30 to accomplish a Christmas Tree of conic shape (as shown in FIG. 4)." (Column 2, Line 53-56). By contrast, the tree of the present invention is formed by the integral combination of the top ring 32, the bottom ring 22 and the plurality of flexible light strings 54 which form the actual structure of the conical tree. Unlike in Huang, the flexible light strings are not merely draped over the frame but actually form the structure of the collapsible tree. Without the light strings there would be no conical shape. This distinction between the present invention and the Huang Patent is fully set forth in Claim 1 wherein it recites that each of the plurality of flexible light strings extend from a hanger engagement means to a base engagement means. Such claimed construction is not found in the structure of the Huang Reference. There, the light set is merely draped over a conically shaped structure formed from an upper and lower ring and a series of

connecting chords 30 which are not electrical wires. Thus, Claim 1 and Claims 6 - 10 which depend therefrom are patentable.

As to Claim 2, although Huang shows a tree topper 40, the structure discussed above with regard to Claims 1 and 6 - 10 of the present invention is not found in Huang.

As to Claim 5, which depends from 1, the common means referred to in the Claim is the common wire means 52 which includes an active electrical wire and a return electrical wire as part of the light set. The common means is secured to the hanger rim 32 and each of the individual light strings extend from a respective one of the hanger engagement means 38. By contrast, the element 30 in Huang referred to by the Examining Attorney is a non-electric chord. Further, rather than being a "common" means, each of the chords 30 are separate chords fastened, spaced apart to the top ring 25 and the circular support 10. There is no "common means" in the Huang structure.

Referring next to Claims 17 - 18, which are rejected by the Examining Attorney as being anticipated by Huang, once again the rejection is traversed. Claim 17 and Claim 18, which depends therefrom set forth a method which requires that the individual light strings are each extended from a respective one of the hanger engagement means to the base engagement means and are releasably secured thereto. In Huang there are no individual light strings. Further, the net of lights is merely draped over the conical frame and the lights are not secured thereto as set forth in Claims 17 and 18 of the present invention.

Next, the Examiner has rejected Claims 3 and 4 as being obvious over Huang alone and further in view of Shieh. Huang is applied to Claims 3 and 4 as it was applied

to Claim 1. Claims 3 and 4 depend indirectly from Claim 1 and therefore applicant incorporates its discussion of Claim 1 herein as fully set forth.

The Shieh Reference is a decorative light tree set that has a rigid central post, a plurality of primary ropes and a plurality of secondary ropes that incorporate light strings to form a decorative light tree. More specifically, the structure of the Shieh Reference has “a rigid central post adapted to be fixed to and upstanding on a fixed surface such as ground and a plurality of primary ropes extending from a top end of the central post at a predetermined inclining angle with lower ends thereof fixed to the ground by fasteners. A plurality of light strings horizontally extend between each primary rope and the central post. A number of secondary ropes may vertically extend from each primary rope and inter-connect the light strings forming a net-light structure whereby the light strings are securely maintained in position between the primary ropes and the central post.” (Column 1, Lines 59 - Column 2, Line 2). Again, in the Shieh Reference, the structure of the tree is formed by a central rigid rod in combination with primary ropes which extend from the top of the post to fasteners on the ground. Thus, the conical shape is formed by a rod and ropes and not by the light set. Thereafter, light strings are run horizontally between the central post and each primary rope. Ropes (but not light strings) may extend vertically to form the net-like structure. There are no vertically extending light strings in the Shieh Reference. Thus, to the extent the teachings of Huang are combined with Shieh, Shieh does not add the missing elements taught by the present invention (namely the individual vertically extending light strings) as discussed above with regard to Claim 1. Consequently, the mere fact that the central

ornament 122 in Shieh is hollow and may have a number of lamps mounted therein does not make Claims 3 or 4 obvious.

Next, the Examining Attorney has rejected Claims 11 - 14 and 19 - 20 for obviousness over the Huang Reference alone. This rejection is based upon the fact that since these claims merely add an additional element to the product of Claim 1, such addition would involve only routine skill in the art. However, such argument assumes that the device without the addition lacks patentability. Here, for the reasons set forth above with regard to Claim 1, applicant does not believe that the Examining Attorney has demonstrated that the device which is the subject of Claim 1 is unpatentable. To the contrary, since the prior art cited by the Examiner does not contain a number of the elements claimed by the present invention, both Claims 1 and Claims 11 - 14 as well as 19 - 20 depending directly or indirectly therefrom are believed to be patentable as well.

Claim 11 adds additional structure in the form of an intermediate rim supported vertically by the pole. The addition of such intermediate structure to the string tree claimed in Claim 1 is not a mere duplication of essential working parts of a device. It is the addition of structure in a manner not taught by the prior art to produce a product different than that shown by the prior art. On such basis, Applicant does not believe that such construction would be an obvious variation of the structure claimed in Claim 1.

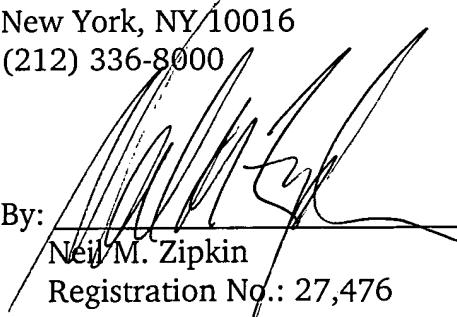
Similarly, Claims 19 and 20 relate to the method of assembling a string tree having the additional structure set forth in Claim 11. For the reasons set forth above with regard to Claims 17 and 18, Applicant believes that the method of Claims 19 and 20 are likewise novel and patentable over the prior art.

For the reasons set forth above applicant believes that each of the originally submitted claims are patentable and respectfully requests that this application be deemed allowable.

If an extension of time is required to enable this document to be timely filed and there is no separate Request for Extension of Time, this document is to be construed as also constituting a Request for Extension of Time Under 37 C.F.R. §1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee for such a Request for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§1.16 and 1.17 and not submitted herewith should be charged to the Deposit Account of the undersigned attorneys, Account No. 01-1785; any refund should be credited to the same account. One copy of this document is enclosed.

Respectfully submitted

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicant
90 Park Avenue
New York, NY 10016
(212) 336-8000

By: 
Neil M. Zipkin
Registration No.: 27,476

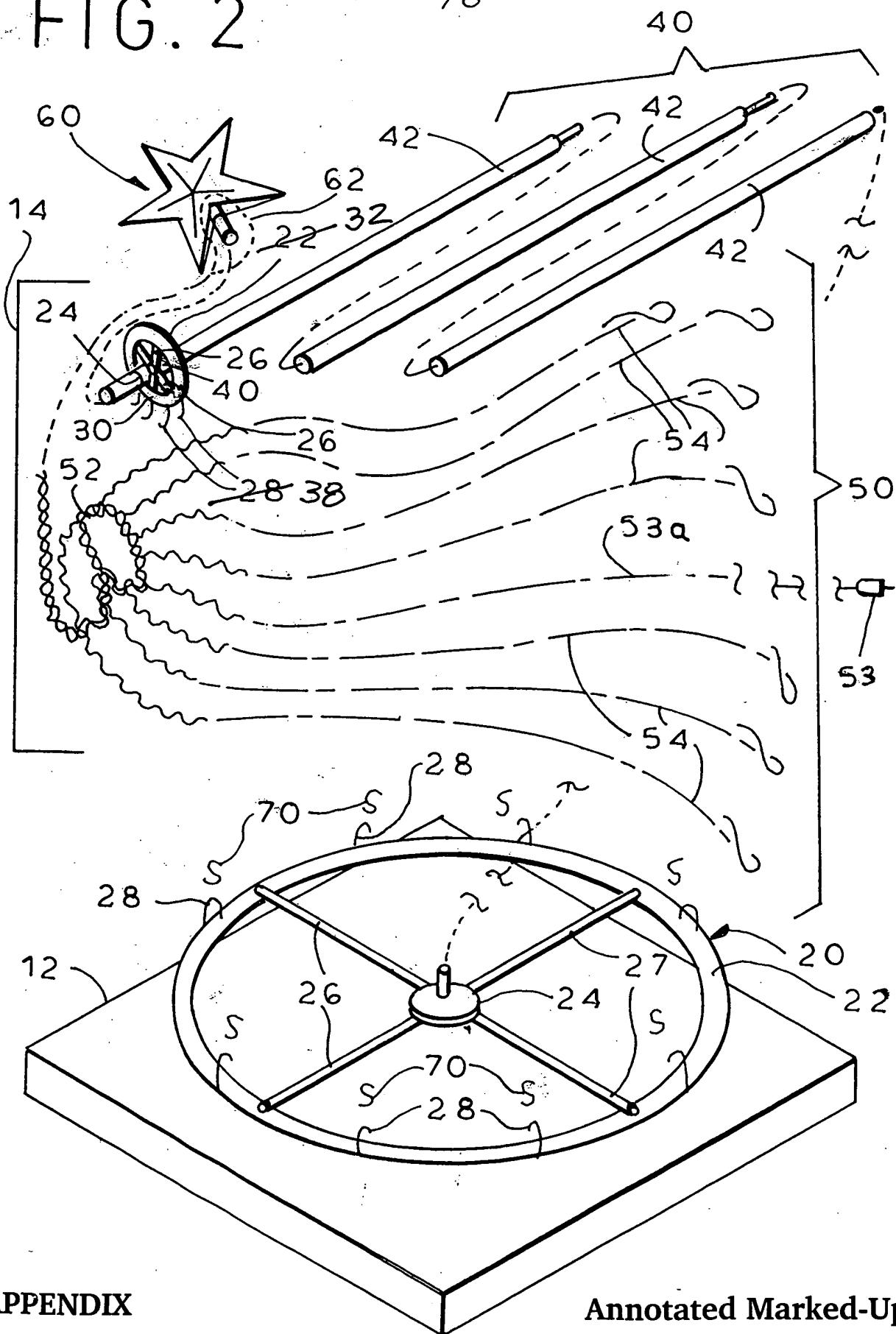
Dated: New York, New York
September 15, 2006



SEP 15 2006

FIG. 2

2/6



APPENDIX

Annotated Marked-Up Sheet